

CHAPTER 5

SPECIAL PRIORITIES ASSISTANCE

A. GENERAL

When defense prime contracts are properly rated, and the priority ratings are properly extended (15 CFR 700.15) (reference (b)) to the lowest level subcontractor and vendor, the preferential scheduling provisions of DPAS (15 CFR 700.14) (reference (b)) are generally self-executing. Occasionally, however, government buying activities, prime contractors, subcontractors, and other suppliers may need assistance in obtaining timely deliveries or authority to use priority ratings on orders for items not normally ratable. 15 CFR 700.50 through 700.55 (reference (b)) outlines the basic Special Priorities Assistance (SPA) provisions .

B. TYPES OF ASSISTANCE

While SPA can be requested for any reason in support of the DPAS , it is usually provided when a person:

1. Is having difficulty obtaining delivery against a rated order by the required delivery date at any level of the supply chain: prime contractor, subcontractor, or vendor.
2. Wants to accelerate delivery under a rated order due to a change in the military urgency and the supplier wants to do it, but must keep the current delivery schedule because of other rated orders.
3. Cannot locate a supplier for an item needed to fill a rated order or a supplier refuses to sell the item.
4. Needs authority to use a priority rating.
5. Needs assurance that their rated order is receiving appropriate treatment by a supplier.
6. Needs resolution of production or delivery conflicts between various rated orders.
7. Needs help in placing a rated order with a supplier.
8. Needs verification of the urgency of a rated order.

C. REQUESTING SPECIAL PRIORITIES ASSISTANCE

1. Who can request assistance?

a. Anyone with a valid need for SPA in accordance with the DPAS.

b. In most instances, requests for SPA originate with an impacted prime contractor their behalf or at the request of their subcontractor or supplier. The cognizant CAO production personnel should be alert to remind contractors of the availability of SPA. This does not preclude the affected government Program Office from requesting SPA in coordination with the prime contractor when necessary.

c. Buying Activity personnel should also be alert to remind prime contractors of the availability of SPA.

2. When can assistance be requested?

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a. Requests for SPA should be made as soon as all reasonable expediting efforts to resolve the problem have been exhausted.

b. Request SPA above the operating DPAS officer level only when there is an urgent need for the item (such as grounded aircraft or a production schedule delay on a critical weapon system) , and the urgency is documented by an appropriate buying activity official (usually the program manager) .

c. All DPAS Officers should forward any requests for SPA to higher headquarters that (1) they cannot resolve, (2) remain a legitimate problem (i.e., urgent need but order was rejected) , or (3) should be forwarded to the OASD(ES) for action.

3. How is assistance requested?

a. Requests are submitted using the Form BXA-999. (See Appendix A.) See 15 CFR 700.50(c) (reference (b)) for obtaining the form. DPAS officers should maintain a supply of Forms BXA-999 on hand to facilitate the submittal of requests for SPA.

b. The applicant completes blocks 1 through 17 and signs the certificate following block 17. The request is then sent to the cognizant office within a DoD Component or an Associated Agency. Requests from prime contractors on their and/or their subcontractor and suppliers behalf are submitted to the local CAO representative and/or DPAS officer, or other designated official at the DoD Component or Associated Agency. Associated Agencies should always process requests for SPA through the OASD(ES) for resolution.

c. The SPA request should be timely; i.e., submitted immediately upon recognition of the problem and that reasonable expediting efforts have not or will not resolve it. This will allow time for the DOD to effect a meaningful resolution of the

problem. However, regardless of timeliness, all valid SPA requests will be accepted and acted upon.

d. To the maximum extent possible, SPA information should be kept unclassified. Classified information shall be handled in accordance with security procedures.

D. ASSISTANCE RENDERED BY DPAS OFFICERS

1. General

a. DPAS officers perform the applicable functions listed in Chapter 2, subsection c.4.

b. Actions taken at all levels during the processing and resolution of the SPA request should be thoroughly documented on the Form BXA-999 and attachments. DPAS officers receiving the form for assistance or sponsorship to OASD(ES) will confirm that the required information, including urgency of rated Program needs, is complete, accurate, and valid.

c. Requests are forwarded through channels to the appropriate Service/Agency Headquarters DPAS officer who may sponsor the SPA to the OASD(ES), which may forward the request to the DoC. The request should include an original and two copies of the Form BXA-999, a copy of the rated contract or purchase order, statement of urgency, and supporting documentation.

2. DPAS officers must ensure that requests for SPA clearly demonstrate that:

a. There is an urgent defense-related need for the item, and the consequences to the certified Program, if assistance is not provided, are as stated.

b. The contractor, applicable CAOS and contract awarding activities, and DPAS offices from subordinate commands have made every reasonable effort to resolve the problem.

c. The applicant is unable to obtain, from any known qualified source, the required item(s) in the minimum practicable quantity or in time to meet Program needs.

d. The non-delivery of the item for which assistance is requested will, in fact, cause delay of a production or construction schedule if it is not delivered by the required date(s) .

e. Substitution of item(s) is not possible.

f. The inventory of the applicant cannot sustain the necessary production without delivery of the item.

g. The applicant has placed, or has attempted to place, rated orders for the required item(s) in a timely manner.

3. Rejection of Requests for Assistance

DPAS officers will ensure that:

a. Provisions for mandatory or optional rejection of an rated order (15 CFR 700.13(b), and (c) (reference (b))) do not apply,

b. Conditions for refusal of assistance (15 CFR 700.54) (reference (b)) are not present, and

c. Other extenuating circumstances are not present.—
Such extenuating circumstances include the following:

(1) The applicant has a financial problem with its supplier, such as failure to pay significantly overdue invoices.

(2) The applicant or supplier has a producibility problem relating to materiel or production and is using its best efforts to solve the problem.

(3) DPAS Officers should forward any Requests for SPA to higher headquarters that (a) they cannot resolve, (b) remain a legitimate problem (i.e., urgent need but order was rejected) , or (c) should be forwarded to OASD(ES) for action.

E. CONFLICTS

1. Conflicts for resources within or between DoD Components and Associated Agencies should be resolved internally or referred to the OASD(ES) using Form BXA-999 for communication and record-keeping.

2. When the DoC advises the OASD(ES) of a conflict at the contractor or supplier level, the DoD Component or Associated Agency will be consulted for verification of the required delivery date and the related urgency. Conflicts normally *will* be resolved based on production operational urgency of the end item.

F. RECORDS AND REPORTS

15 CFR 700.91 (reference (b)) requires making and preserving, for at least 3 years, accurate and complete records of any transaction covered by DPAS. The DoD Components and Associated Agencies will maintain such records in accordance with Component or Agency directives, provided that such records shall also be in compliance with 15 CFR 700.91.